APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,543	11/30/2001	Rae K. Burns	50277-1774 (OID 2001-090-	1004

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EXAMINER
CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/006,543	BURNS ET AL.
	Examiner	Art Unit
	Chongshan Chen	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 July 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications filed on July 11, 2005. Claims 1-40 are

pending in this office action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-5 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayi

et al. (hereinafter "Ayi", Pub. No.: US 2002/0143735) in view of Hart (5,787,428).

As per claim 1, Ayi teaches a method for managing access to data in a database subject to

a plurality of label-based security policies, the method comprising the steps of:

receiving, within a database management system, a request for performing an operation

set of one or more operations on data in a table of the database (Ayi, page 1, [0006] - [0008]);

determining which policies, of the plurality of label-based policies, apply to the table

based on a policy set of one or more policies associated with the table(Ayi, page 1, [0006] -

[0008]).

Ayi discloses determining whether to perform an operation/access on a dataset based on

the label associated with the dataset (Ayi, page 1, [0006]). Ayi does not explicitly disclose

whether to perform the operation on a row of the table. Hart teaches determining whether to

perform the operation on a row of the table based on a set of labels associated with the row (Hart,

Fig. 4-8, col. 6, lines 5-19). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the access control system of Ayi by

incorporating determining whether to perform the operation on a row of the table based on a set

of labels associated with the row as disclosed by Hart (Hart, Fig. 4-8, col. 6, lines 5-19). The

motivation being to provide different security level and access management for different rows in

the table.

As per claim 2, Ayi and Hart teach all the claimed subject matters as discussed in claim

1, and further teach adding a policy column to the table for each policy in the policy set

associated with the table (Hart, Fig. 4).

As per claim 3, Ayi and Hart teach all the claimed subject matters as discussed in claim

2, and further teach storing a label, of the set of labels associated with the row, in a

corresponding policy column of the row (Hart, Fig. 4).

As per claim 4, Ayi and Hart teach all the claimed subject matters as discussed in claim

2, and further teach said step of determining which policies apply further comprising the step of

determining whether a column is a policy column (Hart, Fig. 4-8, col. 6, lines 5-19).

As per claim 5, Ayi and Hart teach all the claimed subject matters as discussed in claim

1, and further teach the policy set associated with the table includes two or more policies of the

plurality of label-based policies (Ayi, page 1, [0006]-[0008], Hart, Fig. 4-8).

Claims 21-25 are rejected on grounds corresponding to the reasons given above for

claims 1-5.

4.   Claims 6-20 and 26-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hayman et al. (hereinafter "Hayman", 5,859,966) in view of Ayi et al. (hereinafter "Ayi", Pub.

No.: US 2002/0143735 A1).

As per claim 6, Hayman discloses a method for managing access to data in on a policy set

of one or more label-based security policies, the method comprising the steps of:

registering one or more packages of routines, wherein each package of said one or more

packages implements a security model that supports a model set of one or more policies of the

policy set and said each package includes an access mediation routine (Hayman, col. 8, line 67 –

col. 9, line 14, col. 9, line 56 – col. 10, line 4, Hayman teaches incorporate and installation

security software which inherently includes registering one or more package of routines,

furthermore, applicant admits that registering one or more packages of routines are well known

in the art, please see specification, page 17, 2nd to last line - page 18, line 2);

associating a first policy of a first model set in a first package with an object (Hayman,

col. 5, lines 18-60, Hayman teaches labels/policies are applied to each object. Please note the

labels are plural, which inherently includes a first policy, a second policy, etc); and

invoking the access mediation routine in the first package to determining whether to

allow operation on data based on the first policy (Hayman, col. 3, line 44 – col. 4, line 50, col. 9,

line 55 – col. 10, line 4).

Hayman teaches the security policy is applied to an object, however, Hayman does not

explicitly disclose the object is a first table within the database system. Ayi teaches applies

labels to tables in the database system (Ayi, page 1, [0006]-[0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify the

security system of Hayman by applying the labels/policies to tables in the database system as

disclosed by Ayi. The motivation being to control access to the data in a table of the database

system.

As per claim 7, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 6, and further teach forming said each package of said one or more packages so that the

access mediation routine conforms to a specified interface for enforcing a policy in the database

management system (Hayman, col. 9, lines 1-13).

As per claim 8, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 7, and further teach said each package further comprising including one or more

administrative routines for defining a policy for the model set (Hayman, col. 9, line 55 – col. 10,

line 4).

As per claim 9, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 8, and further teach one or more administrative routines for defining a policy further

comprising including one or more administrative routines for defining a name for a particular

policy; labels for the particular policy; descriptions for the labels; and properties for the labels

(Hayman, col. 5, lines 18-60).

As per claim 10, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 6, and further teach invoking an administrative routine of the first package for defining the

first policy (Hayman, col. 5, lines 18-60).

As per claim 11, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 10, and further teach invoking the administrative routine of the first package further

comprising providing to the administrative routine of the first package a plurality of parameters

including a policy name for the first policy and a plurality of label names for labels of the first

policy (Hayman, col. 5, lines 18-60, col. 6, lines 45-67).

As per claim 12, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 6, and further teach in response to attempts to operate on data in a row in the table, the step

of determining that the first policy applies to the table (Hayman, col. 5, lines 25-39, Ayi, page 1,

[0006]-[0008]).

As per claim 13, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 6, and further teach associating a second policy of a second model set in a second package

with a second table within the database system; and invoking the access mediation routine in the

second package for determining whether to allow operation on data in the second table based on

the second policy (Ayi, page 1, [0006]-[0008]).

As per claim 14, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 13, and further teach the second model in the second package is the same as the first model

in the first package (Hayman, col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 15, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 13, and further teach the second model in the second package is different from the first

model in the first package (Hayman, col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 16, Hayman and Ayi teach all the claimed subject matters as discussed in

claim 13, and further teaches the second table is the same as the first table (Hayman, col. 5, lines

25-60, Ayi, page 1, [0006]-[0008]).

As per claim 17, Hayman and Ayi teach all the claimed subject matters as discussed in claim 13, and further teach the second table is different from the first table (Hayman, col. 5, lines 25-60, Ayi, page 1, [0006]-[0008]).

As per claim 18, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach invoking the access mediation routine in the first package further . comprising providing data indicating the first policy to the access mediation routine (Hayman, col. 9, line 55 – col. 10, line 4).

As per claim 19, Hayman and Ayi teach all the claimed subject matters as discussed in claim 6, and further teach the method further comprises the step of determining a set of allowed labels for the first policy for a user of the database management system; said step of invoking the access mediation routine is performed during said step of determining the set of allowed labels; and the user is allowed to operate on the data according to the first policy if the data is associated with a label for the first policy and the label is included in the set of allowed labels for the first policy (Hayman, col. 5, lines 25-60, col. 9, line 55 – col. 10, line 4).

As per claim 20, Hayman and Ayi teach all the claimed subject matters as discussed in claim 19, and further teach storing the set of allowed labels in a session cache for a communication session between the database management system and the user (Hayman, col. 8, lines 54-67, Ayi, page 1, [0006]-[0008]).

Claims 26-40 are rejected on grounds corresponding to the reasons given above for claims 6-20.

Response to Arguments

5.   Applicant's arguments filed on July 11, 2005 have been fully considered but they are not persuasive.

6.   The declaration and Exhibit A, B, C and D filed on October 22, 2004 under 37 CFR 1.131 have been considered but are ineffective to overcome the Ayi et al. (Pub. No.: 2002/0143735 A1).

First, the Declaration Under 37 CFR 1.131 filed on October 22, 2004 is defective because the Declaration is not signed by all the inventors [See MPEP 704, 715]. Only Rae K. Burns signed and dated the Declaration, Other inventors (Patrick F. Sack and Vikram Reddy Pesati) did not sign the Declaration. Therefore, it is defective.

The Declaration Under 37 CFR 1.131 attempts to show conception of the invention prior to the effective date of the reference 03/30/2001 coupled with due diligence from prior to the reference data to the filing date 11/30/2001 of the application (constructive reduction to practice).

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Ayi reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

I.   Conception

A)   A conception of an invention, through evidenced by disclosure, drawing, and even a model, is not a complete invention under the patent laws, and confers no rights on inventor, and has no effect on a subsequently granted patent to another, UNLESS THE INVENTORS FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT.

B)   General allegation that the invention was completed prior to the data of the reference is not sufficient. Ex parte Saunders, 1883 C.D. 23.23 O.G. 1224 (Comm'r Pat. 183). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

C)   The affidavit or declaration and exhibits must clearly explain which facts or data application is relying on to show completion of his or her invention prior to the particular date.

D.   When reviewing a 37 CFR 1.131 affidavit or declaration, the examiner must consider all of the evidence presented in its entirely, including the affidavits or declarations and all accompanying exhibits, records and "notes." However, in the affidavits the applicant recited "We conceived and reduced to practice an implementation of claims 1-5 and 21-25 before the effective filing date of Ayi (paragraph 3), [and] we participated on a team that developed the implementation of claims 1-5 and 21-25 ...we completed before the effective filing date of Ayi (paragraph 4)". The requirement for the conception is more than a vague idea of how to show the problem; the means themselves and their interaction must be comprehended also. The

applicant also must give a clear explanation of the exhibits pointing out exactly what facts are

established and relied on by application. The statement which recited in paragraph 3 and 4 are

general allegation that the invention was complete prior to the date of the reference 03/30/2001

without a statement of facts demonstrating the correctness of this conclusion, is insufficient to

satisfy 37 CFR 1.131.

II.   Deligence

A.   In determining the sufficient of a 37 CFR 1.131 affidavit or declaration,

diligence need not be considered unless conception of the invention prior to the effective date is

clearly establish, since deligence come into question only after prior conception is establish. Ex

parte Kantor, 177 USPQ 455 (Bd. App. 1958).

B.   The critical period in which deligence must be shown begins just prior to

the effective date of the reference 03/30/2001 or activity and ends with the date of a reduction to

practice, either actual or constructive (i.e., filing a United States patent application).

C.   The conception occurs prior to the date of the reference, but reduction to

practice afterward, it is not enough merely to allege that applicant or patent owner had been

deligence. The exhibit(s) which was demonstrated by the application was not clearly explain

which facts or data applicant is relying on to show completion of his or her invention prior to the

filing date 11/30/2001 in determining the sufficiency of 37 CFR 1.131, the critical period in

which diligence must be shown begin just prior to the effective date of the reference 03/30/2001

or activity ends with the date of a reduction to practice, either actual or constructive.

III.   **Claims or Claims limitation is not comprehended by the exhibits.**

A.   Exhibit does not support the limitations "receiving, within a database management system, a request for performing an operation set of one or more operations on data in a table of the database"; "determining which policies, of the plurality of label-based policies, apply to the table based on a policy set of one or more policies associated with the table"; and "for each operation in the operation set, determining whether to perform the operation on a row of the table based on a set of labels associated with the row, the set of labels corresponding to the policy set". Please explicitly indicate which evidence the applicant relies on to support each limitation.

Therefore, the DECLARATION UNDER 37 C.F.R. 1.131 filed on 10/22/2004 has been considered but is ineffective to overcome the Ayi reference, based on the three reasons:

A.   The affidavit or declaration and exhibits must clearly explain which facts or data application is relying on to show completion of his or her invention prior to the particular date. The conception is more than of how to show the problem; the means themselves and their interaction must be comprehended also. The applicant also must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by application. The statement which recited in paragraph 2, 3 and 4 are general allegation that the invention was complete prior to the date of the reference 03/30/2001 without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

B.   The conception occurs prior to the date of the reference, but reduction to practice afterward, it is not enough merely to allege that applicant or patent owner had been deligence. The exhibit(s) which was demonstrated by the application was not clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the filing date

11/30/2001 in determining the sufficiency of 37 CFR 1.131, the critical period in which diligence must be shown begin just prior to the effective date of the reference 03/30/2001 or activity ends with the date of a reduction to practice, either actual or constructive.

      C.   The exhibits must be comprehended to one ordinary skill in the art and concepts must support by accompanying with the claims.

7.   As per applicant's arguments regarding the references does not teach registering one or more packages of routines, wherein each package of said one or more packages implements a security model that supports a model set of one or more policies of the policy set and said each package includes an access mediation routine have been considered but are not persuasive. Hayman teaches incorporate and installation security software which inherently includes registering one or more package of routines and the package includes access mediation routine (Hayman, col. 8, line 67 – col. 9, line 14, col. 9, line 56 – col. 10, line 4), furthermore, applicant admits that registering one or more packages of routines are well known in the art (please see specification, page 17, 2nd to last line - page 18, line 2). Therefore, the arguments are not persuasive.

Contact Information

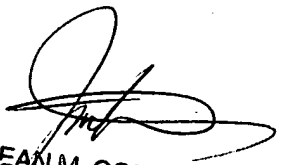Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
October 1, 2005

JEAN M. CORRIELUS
PRIMARY EXAMINER